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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,654	02/02/2004	Seiji Goto	107156-00225	7419

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EXAMINER	
BEHNCKE, CHRISTINE M	

ART UNIT	PAPER NUMBER
3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/768,654

Applicant(s)

GOTO ET AL.

Examiner

Christine M. Behncke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 3 is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application filed 2 February 2004, in which claims 1-11 were presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa et al., US 6,941,206.

(**Claim 1**) Hasegawa et al. discloses a mounting angle detection device for detecting an angle of a vehicle-mounted device mounted in a vehicle, comprising: an acceleration sensor mounted in the vehicle-mounted device (accelerometer 200, column 8, lines 37-54); and a mounting angle processor (ECU 160), wherein the mounting angle processor determines a sine value of a mounting angle in a pitch direction of the vehicle-mounted device by dividing a totalized and averaged value by acceleration of gravity, the totalized and averaged value being determined by totalizing and averaging acceleration detected by the acceleration sensor (column 8, line 55-column 9, line 10).

(**Claim 4**) Hasegawa et al. further discloses a comparator for comparing the value corresponding to the mounting angle detected by the mounting angle processor to a permissible range concerning the mounting angle and then determining that the mounting angle of the vehicle-mounted device is abnormal when the mounting angle is over the permissible range (column 8, line 55-column 9, line 10, column 10, lines 12-41).

(**Claim 5**) Hasegawa further discloses a comparator for comparing the value corresponding to the mounting angle determined by the mounting angle processor to a value corresponding to a mounting angle determined last time by the mounting angle processor and then determining that the mounting angle of the vehicle-mounted device has been changed when the value corresponding to the mounting angle determined by the mounting angle processor differs from the value corresponding to the mounting angle determined last time (column 12, lines 50-65).

(**Claim 6**) Hasegawa further discloses a notifying means for notifying that the mounting angle is abnormal when the comparator determines the abnormality (column 12, lines 66- column 13, line 4).

(**Claim 7**) Hasegawa further discloses updating means for resetting operation of the vehicle-mounted device when the comparator determines that the mounting angle has been changed (column 12, lines 50-65).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tano et al., US 5,828,987.

(Claim 8) Tano et al. discloses a mounting angle detecting device for a vehicle-mounted device, comprising: a sensitivity detector for determining a ratio of angular velocity detected by a gyroscopic sensor mounted in the vehicle-mounted device to reference angular velocity obtained from a GPS receiver mounted in the vehicle-mounted device as sensitivity of the gyroscopic sensor (column 2, lines 1-19); and a comparator for comparing the sensitivity of the gyroscopic sensor determined by the sensitivity detector to a permissible range concerning the sensitivity and then determining that the mounting angle of the vehicle-mounted device is abnormal when the sensitivity is over the permissible range (column 2, lines 20-34, and column 5, line 42-column 6, line 4).

(Claim 9) Tano et al. discloses a mounting angle detecting device for a vehicle-mounted device, comprising: a sensitivity detector for determining a ratio of angular velocity detected by a gyroscopic sensor mounted in a vehicle-mounted device to reference angular velocity obtained from a GPS receiver mounted in the vehicle-mounted device as sensitivity of the gyroscopic sensor (column 2, lines 1-19); and a comparator for comparing the sensitivity determined by the sensitivity detector to sensitivity determined last time by the sensitivity detector and then determining that the mounting angle of the vehicle-mounted device has been changed when the sensitivity

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determined by the sensitivity detector differs from the sensitivity determined last time (column 2, lines 20-34, column 7, lines 22-55).

(**Claim 11**) Tano et al. further discloses the updating means for resetting operation of the vehicle-mounted device when the comparator determines that the mounting angle has been changed (column 7, lines 22-55).

Allowable Subject Matter

4. **Claim 10** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 and 3 are allowed.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER